

**LFC Requester:****Marty Daly**

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      x   **Amendment**            
**Correction**           **Substitute**          

**Date**   1/13/2016  

**Bill No:**   HB 57  

**Sponsor:** Rep. Tomas Salazar

**Agency Code:**   305  

Land Grant Partitions as

**Person Writing** Susan Sullivan AAG

**Short** Autonomous

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE****BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

HB57 amends the definition of "land grant-merced" for the purposes of NMSA 1978, §§49-1-1 through -18 to include a grant of land that:

- (a) was made by a community, town, colony or pueblo that received a land grant from the government of Spain or Mexico;
- (b) was partitioned from the lands of the first land grant prior to 2004, for the purpose of establishing common lands for a separate community; or
- (c) has had its boundaries confirmed by deed of title or indenture executed by the board of trustees of that land grant-merced or by a state or federal court.

HB57 also clarifies the partitioned land grant-merced to which this bill and the existing statute applies. It further requires that the partition be certified by the Guadalupe Hidalgo treaty division of the office of the attorney general and authorizes the division to establish methods and procedures for certification.

HB57 would give the applicable partition land grant-merced legal status as units of government. It would grant recognition to the partitioned land grant-merced as a political sub division of the state.

**FISCAL IMPLICATIONS**

The Guadalupe Hidalgo Treaty Division of the Office of Attorney General is currently an unfunded division. As such, the Office of the Attorney General is not currently staffed to provide the legal services required in this legislation.

**SIGNIFICANT ISSUES**

None noted

**PERFORMANCE IMPLICATIONS****ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

It is not entirely clear that § (2) A. (1) (b) of the bill, which makes §§49-1-1 through -18 applicable to partitioned land grants refers to the same partitioned grants defined in §1 B (2) of the bill. The definition in §1 is not exactly repeated in § 2.

### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

The definitions in §1(B) (2) and the description in §2(A) (1) (b) could be amended to mirror each other.